**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**O.O.C.J.**

**MISC. PETITION NO. 14 OF 2004**
IN
GUARDIANSHIP PETITION NO. 98 OF 2003

Union of India ....Petitioner
versus
Ramesh P. Kadam ....Respondent

S.R. Rajguru with Mr. Bhosale for the petitioner.

**CORAM : S.U. KAMDAR, J.**

**DATE : 21ST MARCH, 2005.**

**P.C. :**

1. The present petition has been filed by the Union of India inter-alia seeking modification of the earlier order dated 25.11.2003 by this court in Guardianship Petition no. 98 of 2003. It is the case of the petitioners that they were not parties to the said Guardianship Petition no. 98 of 2003 wherein this court by order dated 25.11.2003 directed the petitioner who was the employee of the petitioner herein to utilise the terminal and other

dues. The petitioner in Guardianship Petition no. 98 of 2003 is also the respondent herein.

2. It is also the case of the petitioner that even prior to the passing of the said order dated 25.11.20003 the petitioner has already released the payment towards Provident Fund and Gratuity. The said amount is paid to the father of the deceased on the ground that he was appointed as a nominee in respect of the said claim. In view thereof the petitioner seeks to modify the order dated 25.11.2003. This court had directed to make payment of the aforesaid amount to the respondent herein. However even prior to the passing of the said order the amount was already paid.

3. The present petition is served on the respondents and an acknowledgement dated 20.7.2004 has been produced by the petitioner. The said letter dated 19.7.2004 and the acknowledgement dated 20.7.2004 both are taken on record and marked ‘X’ and ‘X-1’ for identification. In view of the aforesaid the present petition is allowed and the

order dated 25.11.2003 is modified to the extent that the amount already paid as directed under the said order should not be once again deposited or paid by the petitioner. However the rest of the order remains. The petition is disposed off accordingly with no order as to costs.

SD/-

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